CONGRESS.

Senator Sumner's Ocean Telegraph Bill.

Debate in the House on the Georgia Reconstruction Bill.

Passage of the Bill by a Vote of 121 to 51.

Reception of the Remains of George Peabody.

FORTY-FIRST CONGRESS.

Second Sension. SENATE.

WASHINGTON, Dec. 21, 1909. The Vice President called the attention of the Senate to the requirement of the law for the filling of the vacancy occasioned by the death of Mr. Fessenden as one of the Regents of the Smithsonian in-stitution. The law provided that this vacancy should be filled in the same manner that committees are

Mr. CRASIN, (rep.) of N. H., reported tavorably, with an suscendment, the bill to provide for the execution of the law against polygamy to the Territory of Utah.

of Utah,

FUBLIC SCHOOLS IN THE DISTRICT.

Mr. WILSON, (rep., of Mass.) offered a resolution,
which was agreed to, instructing the committee on
the District of Columbia to examine into the administration of the School Commissioners, and the condition of the public schools of Washington and
Georgeton.

Mr. Spences, rep. of Ala journment a resolution requesting the secretary of the Treasury to communicate to the Senate a statement of the original cost of the revenue custers now employed, and information in regard to the number. Compensation, &c., of officers and men in that service.

officers and men in that service.

REDISTRIBUTION OF NATIONAL BANKS.

Mr. WARNSE (rep.), of Ala., introduced a bill for the more equal distribution of national banking capital, providing that the amount of circulating notes to be issued to banking associations shall not exceed \$200,000,000, and in issuing said circulating notes preference shall be given to banking associations in sections thaving the least national bank circulation. That the Secretary of the Freusury is required to retire and cancel thirted States three per cent certificates to the extent of the issue of the bank notes under this act, and shall coase to pay interest on the three per cent certificates of the United States. Referred to the Committee on Finance.

Finance,
FOREIGN TELEGRAPHIC COMMUNICATION.
Mr. SUMMER, (rep.) of Mass., moved to take up the bill relative to the straight communications between the United States and foreign countries. He urged that prompt action on the measure was very impor-A discussion ensued concerning the propriety of

A discussion ensued concerning the propriety of giving priority to thus measure over others deemed by other Senators to be equally important.

EXECUTIVE SESSION.

Mr. RAMSEX, (rep.) of Minn., moved to proceed to the consideration of executive business which was agreed to, and at twenty-five minutes to one P. M. the doors were closed for an executive session.

OCEAN TRIEGRAPHS.

the doors were closed for an executive session.

OCEAN TRILEGRAPHS.

After the lapse of an hour the doors were reopened, when Mr. STANKE renewed the motion to take up the bill retailve to telegraphic communication between the United States and foreign countries.

RESTORATION OF VIRISHAL.

Mr. TRUSHELL, (rep.) of fill, urged the necessity of taking into consideration now the bill relative to the restoration of Virginia.

Mr. Howard, (rep.) of Mich., stated his disposition to layor the admission of Virginia so soon as her fidelity to the emorcement of the reconstruction acts could be shown; but at present he desired further information on the subject.

THE SINTH CONSU.

could be shown; but at present he desired further information on the subject.

Mr. Constant, (rep.) of N. Y. from the Committee on Revision of Laws reported havorably, without amendment, the Bouse but for the taking of the minit consus. In view of the report so soon after the committee of the bill to the committee, its said the reason for what might otherwise seem hasty action was based upon the fact that unless passed before the holidays the census would, under the existing statute, be taken under the present law of 1850. It was for the Senate to determine, in regard to the House bill, whether, first, the bill was to be divorced from its provisions in reference to the apportionment, and, second, whether in taking the next census Congress was to dispense with the Marshals as an instrumentainy and create officers to perform this duty. Those were the general questions. The others were martiers of detail relating to the schedule, &c if the judgment of the Senate was that the House bill ought not to be accepted in substance as it stood, then it might be advisable to suspend the operations of the act of 1850 utnit the Senate committee could bestow further care and examination upon the penang proposition. In reply to an inquiry by Mr. Framball, he stated that according to representations, if this bill was now a law, the lat of June coing the time fixed for obeginning the work of taking the census, sudicient time would scarcely be given, even with the utnost diagence, to make the necessary preparations, among which were the printing of formules, tabular statements, &c. To do this would require all the time beween this day and the 18t of June; therefore, the provisions of the lill ought to operate before the list of Junary if the time fixed was to be determined upon.

Mr. Whisson expressed the hope that the bill would be recommitted, and that the committee would

LSON expressed the hope that the bill recommitted, and that the committee would and resolution to meet the exigency. An number of officers were to be appointed bill, and the Senate should act with prounder the bill, and the senate should act with pru-dence and care. He moved to recommit the bull to the committee. Agreed to. Mr. Coskinso, from the Committee on the Revi-

The joint resolution was at once taken up and passed.

Upon the conclusion of the executive session the Upon the conclusion of the executive session the Senate sook up the bill relative to elegraphic communication between the United States and foreign countries, the question being upon the proposed amendment of Mr. Summer to make the bill applicable to existing as well as inture cables.

Mr. Coxxiing opposed the amendment, as having a tendency towards an infraction of vested rights by imposing a code of restrictions upon cables here-tofore authorized by Congress upon well defined restrictions.

Mr. Possesov, (rep.) of Kan., said he supposed the

Mr. Poserroy, (rep.) of Kan., said he supposed the object of the Senator from Nassachusetts was to provide specially for the case of a French cable which had been landed on the shores of that State. He therefore submitted an amendment, referring to the landing of the French cable and providing for its removal unless compliance was made with the regulations imposed upon others.

Mr. SUMNER advocated a uniform system in legislation relative to occan cables, and in reference to a suggestion o Mr. Morton contended that the fact that the restrictions of the bin might be applied to our telegraph communications with Canada was an additional leature in its favor. The proper jurisdiction over the subject properly belonged to the national government, and the landing of the French one of the bin Massachusetts was subject to that purent-tion.

Mr. Howern considered the rill prescribing these

Mr. Howard considered the till practically inop-

cable in Massachuseits was subject to that jurishinon.

Mr. Howard considered the cili practically inoperative, but if the bill became a law, as proposed to be amended, it would absolutely close all communication between this country and Canada. The regulation giveg to the United States government privileges and control over the lines connecting with oreign countries might be right, but if and not conform to the existing state of things.

Mr. Carresten, (rep.) of Wis, said that if the liberties of a people were endangered in any one respect more than another it was by the growth of monopolies and the ease with which charters were passed through the State Legislatures, and no matter how improper the collegiations of constructs thus secured, according to judical decisions they could not be impaired. But the constitution imposed no such restriction upon the power of Congress like that imposed upon the States that no law impaired may be imposed to power it was within the Congressional province to repeal every charter nerecolore granted by Congress. He deemed it vastly important that in this country Congress should clearly assert that power, and believed it to be the duty of Congress under its power, to regulate commerce, extend the regulations over the telegraph and railroad system of the several States. He favored tas bull and the amendment because of their implied assertion, of the absolute power of Congress to regulate this subject in any case of communication between this and foreign lands.

Mr. Mokroy, (rep.) of Ind., beineved that to be fully operative the conditions here supposed must be conducted upon principles of critic reacprocity, and the enter of the Dill would be not to suspend but to make perpetual that principle of reciprocity.

Mr. Kansky suggested a modification of the bill, by which the exclusive confidence of further suggestions he said that the French government for one bour in overy twelve, instead of for an indefinite period. In the coarse of further suggestions he said that the French govern

tions, it should not be forgotten the company had been of immense service to our people by reduction

tions, it should not be forgotten the company had been of immense service to our people by reduction of charges.

Mr. Conkling suggested an amendment protecting rights now enjoyed by the New York, Newfoundiand and London Felegraph Company, and authorizing the extension of other cables to the shores of the United States at some point north of Cape Hatteras.

Mr. Howa (rep.) of Wis, moved to recommit the whole subject to the Committee on Foreign Relations.

Mr. Thurman, (dem.) of Ohio, said if the United States government prescribed conditions upon a cable reaching to France, that government could impose additional conditions. End, therefore, if we were to have an atlantic cable at all, we should have a treaty on the subject. The subject should be referred to the treaty-making power. He was opposed to it because it might be intended as a precedent for the intervention of Concress in the regulation of charges, &c., upon all the railroads and canals of the country.

The motion of Mr. Howe was then agreed to and the bill recommitted.

On motion of Mr. Howe was then agreed to and the bill recommitted.

On motion of Mr. Howe the Senate took up the House joint resolution relating to steamboats and other vessels owned in loyal States, directing a reindursement of the owners in loyal States of steamboats and other vessels taken by the government during the war.

Mr. Howe explained that the bill passed the House

steamboats and other vessels taken by the government during the war.

Mr. Howk explained that the bill passed the House last session, but failed in the Senate for want of time. The whole amount of compensation applied for inder the bill would not exceed \$308,000. The vessels here unduned were only those which came within wear matured regulations.

Mr. Formary believed that the theory of legislation by which a distinction was made between loyal cutzens of the North and those of the South was wrong. He had acquiesced in such legislation during the war, but to oring forward the principle now was impriced.

The joint resolution was then passed. The joint resolution was then passed.

The Washington International, Pall.,
Mr. Hamin, (rep.) of Me., moved to take up the
full to recourage and promote an international exposition, to be used in Washington city to 1871.

Frending this motion the Senite, on motion of Mr.

Pomenoy, at four o'clock a nourned.

HOUSE OF REPRESENTATIVES.

WASHINGTON, Dec. 21, 1860. DESATE ON THE GEORGIA RECONSTRUCTION BILL. The calling of the journal was dispensed with in order that the debate on the Georgia Reconstruction bill might be continued. Several members asked and obtained leave to print speeches on the

Mr. Porren, (dem.) of N. Y., argued against the bill. He did not see how any member who had sworn to support the constitution could vote for it. He regarded it as wholly unconstitutional, and be He regarded it as wholly unconstitutional, and be believed it also to be unnecessary and unwise. He believed that the policy of vengeance was only calculated to increase the dissatisfaction, the disgustiand the sense of whong which more than anything eise interfered with the prosperity and well-being of Georgia. It seemed to him that this bill threatened the rights and increase, not only of the people of Georgia, but of every Northern man as well. The offence of Georgia was the same as that of the State of New York, which had just decided by a vast majority that negroes world not be admitted to office nor even admitted to suffrare without special qualifications. If Georgia could be published for that offence in the manner proposed by this bill, why could not New York also be punshed in the same way? This was but one move in the daily strides towards centralized and absolute government and to the destruction of that system of limited and localized government, and in which only true liberty could be found.

Mr. VOGHEES, (dem.) of Ind., took the floor and made an argument in opposition to the bill, the introduction of winch he ascribed to the influence of the President. His own position was that Georgia had never ceased to be a State, but even under the doctrine and action of Congress she was a State. Being, therefore, a State he should like to know from some one more eminent in the law than the presentic xecative by what power the federal government tells a State to organize her Legislature in one way or another.

Mr. Dawes, (rep.) of Mass, linquired whether that cause in the constitution requires the light of the cause in the constitution requires the lighted State. believed it also to be unnecessary and unwise. He

presents accurate by what power the federal government tells a state to organize her Legislature in one way or another.

Mr. Dawes, (rep.) of Mass., inquired whether that c anse in the constitution requiring the United States to guarantee a republican form of government in sean State did not require the maintaining of a republican form of government.

Mr. Noorbees replied that the gentleman from Massachusetts was precluded from making that point, because he had voted asst april against interfering with Georgia, and nothing had occurred since to affect his judgment in that regard, unless it were the President's Message.

Mr. Dawes inquired whether Mr. Voorbees had any other abswer to make to his question except that he (Mr. Dawes) was estopped?

Mr. Voorhien's replied that unit generally was held to be a good answer.

Mr. Dawes admitted that it intents a good answer as to him, but was not a sufficient answer as to the people.

Mr. Voorhien's replied that the generally was held to be a good answer he begins and the state of a State Legislature warranted the rederal government marching an army into that State, striking down the habes corpus and governing the people at the point of the bayonet?

Mr. Dawes understood that in dejended altogether on the character of the unconstitutional acts of a State Legislature warranted to brites states government was authorized to do so. A Legislature might be guilty of what would call upon the federal government. It was a question of near whether that condition of things existed in Georgia or not.

Mr. Voorhees submitted that it was not for Converse to the period of the last was not for Converse to the part of the last was not for Converse to the part of the last of the propose.

whether that condition of things existed in Georgia of not.

Mr. Voorhees submitted that it was not for Congress to review the acts of State Legislatures and to decide whether they were unconstitutional or bot. It was for the judiciary to pass upon the constitutionality of acts trought into question, it was heresy of the grossest kind to assume that Congress had power, as in a judicial capacity, to revise the legislation of the States and to determine whether they are in accordance with their State constitutions. It was a standing doctrine and one which the sagacious mind of the gentieman from Massachusetts resorted to only because he saw no other ground on which to base his defence of this but after the strong opposition which he made to a similar bil her April.

Mr. Eldbridge (dem.) of Wis., next spoke in opposition to the bull. He saud that one of the saddest

pril.
Mr. Eldridge, (dem.) of Wis., next spoke in a
ostion to the bul. He said that one of the said
hings in connection with discussion in this Hot
rus that the House had almost ceased to be a a
berautye oody, and that its notion was dictated things in connection what discussion in this house was that the House had almost ceased to be a dehiberative oody, and that its action was dictated to it by leading partizans of the republican party. If the docume were to be established that the commission of crime in a state justified the interference of the federal government, why should not the docume state of the federal government, why should not the docume have been carried out as against, Massachusetts, where the most attroctors crimes were committed. In this connection he sent to the Clerk's desk and had read the report made to fovernor Andrew of the management of the Insane Asylum in massachusetts. He predicted that unless the States by every considerational means resisted the encroacaments of Gongress the interthes of the people would be destroyed and republican government would be a more same, a delission, a docentine Supreme Court was already inedged and virtually oestroyed. It was stigmatized in the incise as the "suprementation of the government would be upon the senate of the United States.

Mr. Cox (dem.) of N. Y., was the next speaker on the same side. He denounced the bin as the gospel of marchy and the philosophy of revolution. When he tough the Governor of a State hanging around the halfs of Congress begging to have his state taken out of the thino it led him to inquire the reason for the and he found that reason is the item of the thino it led him to inquire the reason for the the state of Governor Sullock with speculations. For imment he would rather bring that Bullock to the shaughter than to bring the state of Georgia to rathy the intentit constitutional amendment was the oul Turkish system. Under the old Turkish law it was allowed to the Ulemas to interpret the law, but always as the Grand Selmor wished it, and it they did not they were to be pounded to death in a mortar.

Mr. Bingham, (rep.) of Oho, took the floor. He

did not they were to be pounded to death in a mortar.

Mr. Bingham, (rep.) of Ohio, took the floor. He said the bill sent to us by the Senate is in conflict with every letter of the past legislation of Congress on the subject of reconstruction. It is in conflict with the express order of the President when he was General of the army, acting under the law of reconstruction in 1885, in relation to deorgia. It is in conflict with the utterancia of the Autoracy General of the United States in reterence to Virginia under the operation of all our reconstruction acts, and it is in conflict with all the past legislation of Congress and of the interpretation of the constitution. For these reasons, I ask that the ultimate ultimate the post legislation of Congress and of the interpretation of the constitution. For these reasons, I ask that the ultimate of the decide a question of the third wednesday in January next. If there be truth in what I have said, the majority in this House should postpone it. Here we are limited to twenty immates discussion, shat off from reference to the record, asked to decide a question by passion which organ to be decided in the ignt of the cam temper, of reason and under the obligations of an oath. The honorator gestleman from Massachusetts (sir. Butler) said yesterday that for those frequent murders in theorgia, for those deutals of right to the people of Georgia there ought to be a remody in Congress. I agree with him, but this is not the bill before is, it almoris no additional protection to any man, white or black. It is simply grunnous to natempt to bring to the support of tims measure the recommendation of the President's Measage which he never intended to be there and which he does not struction acts on members of the Legislature. The whole context of the Message shows that what he meant was the imposition of the oath equined by the third section of the fourteenth amendment. I wash to say, further, that the Reconstruction act of the 2d of March, 1807, which underlies this entire legisl Mr. Bingham, (rep.) of Ohio, took the floor. He

but the rights of all the people of the republic. I deny the right of Congress to bay the executive power of a national law at the feet of a State Executive to be exercised at his discretion. Congress is bound to execute its own laws through its own edicials. No matter what the proguer of party may be I cannot consent to stuthily myself. As to the ratification of the different amendment Mr. Singham declared that nothing which human ingenuity could contrive was so likely as this bill to defeat that great and just and righteous measure. In conclusion he moved the further postponement of the bill to the third Wounesialy in January noxt.

Mr. FARNAWOLTH, (rep.) of Ill., opposed the bill. He felt constrained, he said, to support the motion of the gentieman from Onio (Ar. Bingham) and in case it failed, to vote against the bill. He stated his grounds of opposition in a fifteen minutes' speech.

case it failed, to vote against the bill. He stated his grounds of opposition in a lifteen minutes' speech. Mr. Park, (rep.) of wis, supported the bill and had some reports and letters read showing the necessity for such a measure.

Mr. Mort Scholler, (rep.) of S. C., spoke for ten minutes in support of the bill.

Mr. Logan, (rep.) of lil., intimated the dimently that might present itself it this bill was postponed and the Legislature of Georgia was again in session, itself did not see how those members whom this law did not recognize as entitled to their seats could be displaced.

and the Legislature of Georgia was again in session, ite did not see how those members whom its law did not recognize a cuttied to their seats could be displaced.

Ar. Butler, (rep.) of Mass., closed the debate. He deplored the defection of the gentleman from Onto (Ar. Hingham), and inhumated that he seemed to have caught intection from the neighborhood ne occupied (alimbing to the lact that Mr. Hingham) sits on the democracure side of the House. He replied orienty to the arguments made acausts the bill to-day, and in reply to Mr. Cox's specia he said that he regarded that gentlemah as rather encroaching on that old proverb, that "dog shouth not eat dog," so carpet-longier should not attack carpet-longier should not attack carpet-longier should not attack carpet-longier. He was also surprised that a man who a name so hable to be punied upon should have made such a bad jeke on the name of the Governor of Georgia. (Langater.) As to the slatement that this bill found its origin in the commendation of the tresident, the contradiction of that lay in the heat that the bill which he (Rr. Buller) brought behave that the bill which he (Rr. Buller) brought behave that the bill when the Governor and those who had been recommending this legislation returned to Georgia they would be sent to join the ranks of the murdered legislators. As to Mr. Bingman's argument for postponement he thought it saicidal. If the bill were so bad, so utterly vite as to be unworthy a place in the House of Representatives of the people way keep it alive to the third Wednesday in January? Why not vote it down at once? He expressed himself much pained a hearing the gentleman from Ohio say that there was a line in the Message of the President which the President mever incended should be there, and that he (Mr. Bingham) knew it. Now, said Mr. Buller, if he means by knowing it that he knows it by the context, that is one thing; out it he means that he knows it from what the President to the United States has made him a special message soft by the Exec

but if the President of the United States undertakes to log roll business—

Mr. BINGHAN—I call the gentleman to order. He has no right to talk of the President's logrolling. I said nothing to justify it. I stand on what I said, and the gentleman from Massachusetts has no power to move me in the assertion which I make, that the President of the United States never meant to recommend to Congress that it should impose on Georgia the test oath in the reconstruction acts.

Mr. BUTLER—There was no occasion to call to order. I do not believe that President Grant undertook to communicate to the House in that way.

Mr. BINGHAN—Nobody said that he communicated to the House.

Mr. BUTLER-I do not desire men to come nere, as

Mr. Butler.—I do not desire men to come nere, as they did last session, saying that the President wished this of that. I only refer to this that we may not have it any more. I regard these as the most indecent exhibitions of Executive inducent exhibitions of Executive inducent exhibitions of Executive inducent exhibitions of Executive inducent exhibitions of Executive his words.

The debate being closed the House proceeded to vote on Mr. Bingham's motion to postpone. The motion was rejected—yeas 84, nays 111. The republicans voting for it were Messrs. Bingham, Farnsworth and Finkeloburg. The amendment offered by Mr. Beck was rejected, and the bil was then passed—yeas 84, nays 11. Among the negatives were Messrs. Bingham and Parnsworth.

The Senate lotts resolution waspending the existing provisions of the law for taking the census was

THE CENSUS LAW.

The Senate Joint resolution waspending the existing provisions of the law for taking the census was taken up and passed.

Mr. Nielack, (dem.) of Ind., offered a concurrent resolution extending the recess from the 5th till the 10th of January. He said he understood that arrangements had been made by the principal committees to hold their sessions during the recess to prepare business for the house, so no time would be lost by the proposed extension.

The resolution was sustained by Messrs. BULLER, of Mass. and Schenck, and it was agreed to.

The semains of George Pashopy.

Mr. JONES, (dem.) of Ky., called up his resolution offered last week requesting the President to detail one or more ships-of-war to meet at sea the English war ship coming to this country with the remains of George Peabody and convoy it into port, and he proceeded in support of the resolution to pronounce a culogy on the character of Mr. Peabody.

Mr. Swann, (dem.) of Md., suggested an amendment providing for a committee of Congress to attend the obsequies of Mr. Peabody.

Mr. JONES allowed that amendment to be offered.

Mr. Schenck, (rep.) of Ohio, moved to adjourn, giving notice that one reason for the motion was to give time to gentlemen to consider the propriety of incurring the expense which the resolution would render necessary.

Mr. VOORHEES expressed his regret that that ant. Vocatiles expressed his regret that that remark should have been made.

Mr. Scheck reminded the House that one or more vessels of war had been detailed from the American squadron in European waters to form a convoy. That was sufficient. He also reminded the House that Congress had already given public testimonials of its respects for Mr. Peabody. Ungracious as it might be he would say that he would rather divide a little of that respect and attention by sending ships to meet the body of some humble individual, poor it might be, who in proportion to his means abroad, while the struggle was going on for the life of this nation gave his time, his energy, his hopes and endeavors, along with his sympathies, to the Union. (Capping of hands by several members.) He would say, although that they had done enough to manifest respect to that individual, and that there were other considerations which weighed on the minds of some which would induce them to permit him to be brought to his country and ouried quietly and honorably in the soil that gave him birth.

Mr. Voormers sand he would go as far as the genieman from Ohio to do honor to that class whom that gentleman spoke of. He did not think, however, that considerations of that kind ought to be thrown in. If the resolution had not been introduced the House perhaps might, without any injustice to itself, have done nothing; but this resolution was now before the House, and any negative action.

Mr. Jones, (dem.) of Ky., expressed his regret that any such discussion had arisen, and said that his sense of propriety forbane him to allow the discussion to proceed further. He therefore moved the previous question.

Mr. Schenck moved to lay the resolution on the false.

Mr. Schenck moved to lay the resolution and the folial manifestion.

Mr. Schenck moved to lay the resolution on the false. mark should have been made.

Mr. Schenck reminded the House that one or more vessels of war had been detailed from the

Mr. Schenck moved to lay the resolution on the table.

Mr. Butler, of Mass., moved to adjourn.

Mr. Schenck then withdrew his motion, and the voic was taken on the motion to adjourn.

The House refused to adjourn—yeas, 41; mays, 73.

Mr. Schenck then said:—"Had I been aware of the fact that unanimous consent was asked to bring this sabject before the House I certainly should have objected. I do not propose—the matter being before the House and having assumed its present form—to make any opposition to h. I will not renew my motion to lay on the table, but will let it go for what it is worth, in view of what all the country understands. I presume."

Incresolution was then adopted in this form:—

price begins and in a mainer dimensional with the justice, magnanimits and dignity of a great people.

PRETITIONS PRESENTED.

Mr. CALKIN, (dem.) of N. Y., Dresented a petition of didrens of New York, importers and consumers of wronget from tures and wronget from tubes, for a reduction of the dutes thereon.

Mr. KELLOGA, (rep.) of Conn., presented the petition of the Governor of Connectent and others for the relief of General Robert Anderson.

Mr. COX presented the petition of citizens of Buffalo, contrasting the present price of coal with its price before 1850, and praying to be entirely relieved from the monopoly.

RESOLUTIONS.

Mr. ARNELL, (rep.) of Tenn., from the Committee on Accounts, reported a resolution, whiten was agreed to, allowing cherks to the following committees:—Banking and Currency, Commerce, Navai Acalirs, Foreign Affairs, Printing Ninth Census, Actives, Post Office, Railways and Canais, Indian Affairs, Foreign Affairs, Printing Ninth Census, Reconstruction, and Nanufactores.

Mr. MUNGEN, (dem.) of Office, introduced a joint resolution permitting army and many officers on the retired list to hold civil offices. Retered to the Committee on Military Affairs.

Mr. Logan mr. South for the solution donating Mr. Logan mr. South of the laws.

retired list to noid civil offices. Referred to the Committee on Military Affairs.

Mr. Logan introduced a joint resolution donating cannon for the erection of an equestrian statue in bronze of General Grant, to be piaced on the south terrace of the Treasury. Passed.

Several resolutions of inquiry were adopted, and the House at five o'clock adjourned, with the agreement that to-morrow's session should be for general debate only.

THE LOTTERY WAR.

BEN'S FAREWELL SHOT AT MORRISSEY.

Another Suit in the Supreme Court-Mr. Wood Feels Contrite and is About to Throw Up the Sponge-He Gets Morrissey in Chancery First and Judge Cardozo Acts as Second.

Ben Wood seems, when backed up by an energetic judge as his "second," to be about as invinctble as his burly and laurelled antagonist, the Hon. a new complaint was drawn on behalf of certain complaint duly verified, and the affidavits of Henry Colton and Samuel T. Dickinson, Judge Cardozo issued another mandate, which is presumed to knock the ordinary form, almost similar to those preced-Morrissey, Anderson and Zacharian E. Simmons have conspired to defraud the plaintiffs by obtaining control and possession of the business; that the appointment of Morrissey as receiver was effected by their collusion; that at the time of securing said appointment said aforrissey, Anderson and Simmons well knew that the order appointing Wood receiver was in full force and effect, and that the transfer of the property by Morrissey to William L. Simmons was a pretended sale and conveyance for the sum of \$25,000, and that the price was far less fraudulent and vold, but is held by said W. L. Simmons for the benefit of Anderson, Marray and Z. E.

Simmons, &c.

The following are the affidavits and injunction:—
Supreme Court.—City and County of New York.—Henry Colton and Samuel T. Diokinson vs. Zachariah E. Simmons, Charles H. Murray, William C. France, James Stewart, Isaac Bernstein, Benjamin Wood, John McCool, Jacob Bauch, Francis King, Reuben Parsons, Marcus A. Littell, Benjamin S. Halsey, James S. Watson, Charles H. Murray, Zachariah E. Simmons and Levis Davis, as (alleged) Trustees, &c., G. P. Sweeney and C. S. Howard, John Morrissey, William L. Simmons and John Anderson.—City and County of New York, Ss.—Henry Colton and Samuel T. Dickinson, of the city and county of New York, see, Henry Colton and Samuel T. Dickinson, of the city and county of New York being each severally duly swora, aid depose and say, that the plaintiffs (these deponents) and defendants are associated together. In business, in a community of interests and profits, except the defendants, John Morrissey, John Anderson, William L. Simmons, Lewis Davis and Zacharnah E. Simmons, That before the commencement of this action, and for a long time prior thereto, the plaintiffs (these deponents) and defendant sa aforesaid were and are the owners and proprietors of certain franchines, commonly called and known as "Lottery Grants," authorized and issued by the States of Missouri, Kentucky, Delaware, Georgia and Louisiana. And deponents further say that they are informed and believe that they and the defendants as aforesaid own in a similar way other similar franchises or lottery grants, issued by the Legislatures of other States, the particulars of which these deponents are unable to state, but which were and are for the ase and benefit of these deponents and defendants as aforesaid. Deponents further say that the said lottery grants were and are, as these deponents are formed, and believe and aver, based upon special and specific stantes or legislative enactments of the States of Missouri, Kentucky, Delaware, Georgia and Louisiana, authorizing certain parties (corporations or individuals) na The following are the affidavits and injunction:deponents are informed and believe, and aver, the benefit and privileges of those legislative acts have been and were assigned or otherwise transferred (in writing) for a valuable and proper consideration by or from the original grantors to the parties through and from whom these deponents and the said defendants derived title before the commencement of this action. Deponents are unable to set forth the dates of said respective enactments of their names, but refor therefor, as well as for the provisions of those enactments, to the printed volumes of the laws of said several States, in pursuance of the statuses in such case made and provided. Deponents in their say that they are informed and believe and aver, that all of said softery grants were in existence for a number of and some for many years prior to the commencement of this action; that they are still subsisting and likely to continue for years to come; that the principle upon which said franchises were and are based was and is not contrary to, but consistent with sound holley and public morality; that the business conducted by these deponents and said defendants under said grants was and is fully legalized in and by the said states respectively; that they have been, were and are lawful property within said States respectively, and so treated and respected; that contracts and other transactions growing out of said grants and franchises, in reference thereto or in any way affecting them directly or incidentally, have been, were, and are upheld, protected and sanctioned in and by the laws of said several States respectively; that they have been were and are lawful property within said states respectively; enough the laws of said several states respectively; that they have been were and are upheld, protected and sanctioned in and by the laws of said several states respectively; that they have been were, and are capable of sale, mortgage or other transfer the property they impressed with the character of personal property, where, and they transferees, and tha ponents further say that before the commencement of this action the said lottery grants were consid-ered to be, and were divided into 120 shares, twenty-two of which shares the deponents were before and on that day the absolute and undisputed owners, and that the residue of said shares were

twenty-two of which shares the deponents were before; and on that the residue of said shares were owned by some of the defendants, as deponents are informed and believe, and in addition to said grants or franchises deponents and said delendants attores and are the owners of a large and valuable amount of other personal property and moneys, a large amount of which is within the jurisdiction and control of this court, but the particulars of which deponents are unable to enumerate or describe in detail. Deponents further say that during the period that they have been and were connected with the said lottery grants, the business thereof has been prosecuted by and for the hencelt of themselves and co-owners in the name and under the style of C. H. Murray & Co., the profits and losses thereof being apportioned among the said owners according to the number of shares owned by each of them respectively, or according to their respective interests in the said several States are resublished throughout the said several States. That the said business involves very heavy daily expenses, the precise amount of which deponents being ignorant, cannot set it forth, and that flability upon prizes drawn by the purchaser of said teckets. That the said business involves very heavy daily expenses, the precise amount of which deponents being stated, and that as deponents have reason to, and do believe and aver, that with the various incidents and appurtenances thereof, the business done any prize drawn by the purchaser of said tickets. That the said business involves very heavy daily expenses, the precise amount of which deponents being ignorant, cannot set it forth, and that illustry upon prizes drawn is very great and incapable of being stated, and that as deponents have reason to, and do believe and aver, that with the various incidents and appurtenances thereof, the business done by and under said grants, by and in the name of C. H. Murray & Co., amounts in the aggregate to several millions of dollars, with a corresponding liability and responsibility proportioned to the several shares owned by the said several parties. That the management of the business has been carried on under the name of C. H. Murray & Co., and that the delendants, Zachariah E. Simmons and Murray, caim to exercise and have assumed the management and control of said business, under and by virtue of a pretende deed of trust, acting as though they were really the owners and proprietors of said tranchises. That the said Zachariah E. Simmons and Murray are seeking and striving to obtain the sole control of the agents and agencies, and will not delect to any exercise of authority on the part of those plaintiffs. That the defendant Zachariah E. Simmons, on the — day of becember, 1869, caltered the principal office of C. H. Murray & Co., No. 224 Sowery, city of New York, and has taken physical possession of the books and property of deponents these plaintiffs. That the defendants and agents and agents and agents and agents and defendants and agents of C. H. Murray & Co. to direct all letters pertaining to said business to some other place unknown to deponents, other than the said general office. That the said C. H. Murray & Co. have for a long time past deposited the moneys pertaining to said business in the First National Bank of New York, for and on account of the First National Bank of Jersey City, N. J. That within a short time past the moneys so deposited have been withdrawn, or have been withned from the population of s

by a justice thereof, and thereupon assumed and entered upon the daties of his said trust. Deponents further show and aver on information and belief that the defendant Morrissey at one time was the owner of a number of abares of the said lottery grants, but subsequently and before the 1st day of December, 1809, sold and disposed of his interest to Zachariah E. Simmons for a large sum of money, to be paid by the said Simmons by instainments, but said Simmons failing to meet said payments, the defendants Morrissey and Zachariah E. Simmons sold and conveyed their several interests in some form to the deiendant Benjamin Wood, for an annount of upwards of \$200,000, to be paid by installments, and that there has been paid increon upwards of \$100,000, the balance thereof not having as yet matured or fallen due. Deponents further show that at one time defendant Anderson owned ten shares of the interests in said granis and property; but before the commencement of this action has sold the same to the plaintiff bickinson for the sum of upwards of \$00,000, retaining a lien thereon for upwards of \$00,000, retaining a lien thereon of upwards of \$00,000, retaining a lien thereon of upwards of \$00,000, retaining a lien thereon for upwards of \$00,000, retaining a lien thereon of upwards of \$00,000, retaining a li

others, and that said William L. Simmons holds the pretended title to the same thereunder for the benefit of the defendants Anderson. Murray and Zachariah R. Simmons. And said deponents further say that said pretended sais by defendant Morrissey to William L. Simmons is raudulent and vold. Said deponents further show, on information and belief, that by the fraudulent acts and representations of the defendants Morrissey and Zachariah E. Simmons, C. H. Murray & Co. have been induced to accept several drafts in favor of said defendant John Morrissey for upwards of filteen thousand dollars, and now heid by the defendant Morrissey, for which the said C. H. Murray & Co. have received no consideration, and the payment thereof would seriously projudice the rights of these plaintiffs and the other parties in interest. That under the present condition of affairs, the said defendants Morrissey and Simmons arroyating to themselves the right to manage and control said business, and having by their lifegal, improper and unauthorized removal of the books and property aforesaid, deponents (these plaintiffs) are compelled to continue in and be exposed to all the prejudice and liability of the business in question, against their will, without any emolument therefrom, and without being suffered to represent or act in behalf of their own interests; that deponents (these plaintiffs) are compelled to continue in any emolument therefrom, and without being suffered to represent or act in behalf of their own interests; that deponents (these plaintiffs) into with the will, without any emolument therefrom, and without being suffered to represent or act in behalf of their own interests; that deponents (these plaintiffs) into with a same has become impaired and suctain and suffer irreparable and irretiveable injury; that the business heretofore conducted under said lottery grants has been prosperous and lucrative, but through the misconduct and mismanagement of the said Murray and Simmons, and other papers appertanting to the business unde shows the said preceded sale by defendant Morrissey to William L. Simmons is raudulent and vold. Said deponents further show, on information and beine; that by the fraudulent acts and representations of the defendants Morrissey for the said that the rights of these plaintiffs and the other parties in favor of a said defendant Morrissey, for which the said the rights of these plaintiffs and the other parties in interest. That under the present condition of affairs, the said defendants Morrissey right to meange and control said usainess, and having by their liegal, improper and unauthorized removal of the books and property afforesaid, deponents (these plaintiffs) are compeled to continue of the books and property afforesaid, deponents (these plaintiffs) are compeled to continue of the books and property afforesaid, deponents (these plaintiffs) are compeled to continue of the books and property afforesaid, deponents (these plaintiffs) are compeled to continue to the books and property afforesaid, deponents (these plaintiffs) are compeled to continue to the books and property afforesaid, deponents (these plaintiffs) are compeled to continue to the books and property afforesaid, deponents (these plaintiffs) are compeled to continue to the books and property afforesaid the property and the pr

ine faithful performance of his trust. And it is further ordered, that upon the execution and filing of said bond, said receiver shall be vested with the usual rights and powers of receivers. And it is further ordered that the parties to this action, their agents or attorneys, or any person or persons having the custody, control or possession of any money, books, papers, choses in action, estate, grants, frachises, corporate privileges or property of any kind beionging to or appertaming to the business mentioned in the complaint herein, assign, convey, transfer and deliver, the same to the said receiver, together with all vouchers, papers or correspondence relating thereto forthwith; and that said defendant Mortinsey be, and he is hereby enjoined from dispusing of, or collecting the acceptances referred to in the complaint herein; and that he pay over to said receiver herein all moneys in his hands belonging to C. H. Murray & Co. forthwith. And that said defendant William L. Simmons is hereby ordered and directed to deliver to the said receiver herein all proporty, money and effects received by him under the pretended said from John Mortissey, as receiver, immediately upon the service of a copy of this order. And it is further ordered that the said receiver have liberty to sell and dispose of the lottery grants and francaises mentioned in the complaint in this action, together with all property of whatever kind belonging or appertaining to said business, either at public or private saie, as may best protect the interest of all parties. And it is further ordered that these defendants and each of them be and they are hereby enjoined and restrained from selling, assigning, transferring, mortgaging or encumbering, or in any way or the business or good will of the business appertaining to all or any of them, or to any right, title or interest to or in all or any one of them, or the real or personal property belonging or appertaining to and business, wherever situated, or from in any way issuing or operating the lott every of them, be and they are hereby enjoined and restrained from receiving any money, checks or property of any kind, from or maxing use of or employing in any manner the agencies or agents, or any of them, belonging to or connected with or forming part of the business conducted or pursued under the said grants or any or ettier of them. And it is further ordered that the defendant show cause why the injunction and receivership hereby granted should not be continued in force until the final determination of the cause at a Special Term at Chambers of this court, on the first Monday of January, 1870, at twelve o'clock at non, or as soon thereafter as coursel can be heard.

From this it will be seen that Benjamin Wood has finally obtained control of the lottery franchises and

finally obtained control of the lottery franchises, and that he remains at present in undisputed possession of the same. The order upsets the plans of Hon. John Morrissey, Simmons & Co., and reinstates Mr. Wood in all the benefits to be derived from the re-Mr. Wood intends to advertise and sell the whole

of the lottery property at public suction, including that in the pretended sale by Ron. John Morrissey on Friday last. After this sale he says he "will wash his hands of the entire lottery business."

SUCCESSFUL CO-OPERATION.—The WOTSHIER IN the shops of the Boston and Albany Rahroad at Springfield, Mass., have successfully combined to save money in the purchase of the necessaries of life. From one man's buying, at a "jobbing figure," a box of soap for himself and fellows to use in the

THE DICKEY MURDER TRIAL.

Rum Drinking Over the Murderer's Victims.

Night Session and Fifth Day's Proceedings in the Dickey Trial at Hackensack, N. J.-How "Tired" the Prisoner Was a Few Hours After the Shooting and What He Did to Recaperate-All the Testimony Submitted.

The trial of John Dickey for the murder of his wife, Mary Ann Dickey, was continued Monday evening in the Bergen county Court of Oyer and Terminer, at Hackensack, N. J., Judge Bodle pre-siding. The testimony adduced during the night ession and that of yesterday closed the case in the matter of evidence, when counsel began their argument, occupying the entire afternoon. The court room was again crowded and the same interest was evinced as when the prisoner was arraigned. The following is the testimony:-

Sheriff John L. Van Blarcom testified that he received Dickey's pistol, with four barrels still loaded and two discharged, from officer Westervell; ing down the muzzles; did not wish to carry the weapon loaded, and so fired off the remaining charges; had a slungshot in his pos-session which he also obtained from the above officer (produced in cours and identified); obtained clothes belonging to Colqubun, the murdered man, at same time the weapons were given hum. (Iwo shirts, of heavy material, marked with dark, bloody patches, cut from Colquhun's body at the time of the Coroner's inquest at Bombay Hook, were

also produced and identified.)
In the Sheriff's cross-examination he testified to having seen a slungshot before, though not made as the one shown; he did not think it was a fish-net sinker, if it was it was a very peculiar one.

CONSTABLE JOHN P. R. WESTERVELY RECALLED. slungshot from a chest in prisoner's bedroom ten days or thereabouts after the inquest; in the chest were papers and a demijohn of liquor, but no clothing; could state positively that the shirts shown in court were the same cut from Colqubun's body, by the stains of blood and the peculiar cutting they received when taken off.

CONSTABLE JOHN P. JOHNSON'S EVIDENCE. Constable John P. Johnson testified that he was an officer, living in Closter, Bergen county; that he summoned the Coroner's jury at Bombay Hook to hold inquests on the bodies of Colin Colqubun and Mrs. Mary Ann Dickey; saw Colquhun's body lying on the floor in the south room; was on his right side,

him back with a bottle to getflied; when he returned Mrs. Dickey was dead.

In the CROSS-EXAMINATION OF KELLY
he said, after a deal of hard questioning, that when he first saw Mrs. Dickey she must have been very weak; she was in a good deal of pan; there were pillows beside her; her hand, which he took hold of, was very cold; Dickey first stood on the stoop; he came in alterwards, stepping over the dead man. Colquium; Dickey showed him a demipon of liquor as soon as he came in, and each of them had a drink, the dead man and dying woman within a few feet of them; at the time of drinking Dickey said, "We were at this injuory all night;" he also said he was very thred walking so far after him that morning; Mrs. Dickey did not say anything then; when Dickey did ust say anything then; when Dickey did not say anything then; when flowing the thought he understood her too well for that.

This was the substance of the scene in the dismal kennel a few hours after the commission of the crimes, so far as understood by this witness, who mumbied and muttered intent has any irrelevant and contradictory.

Judge Bedle, who was compelled to proceed to Paterson in the morning, returned at two o'clook, when the trial was proc-eded with, the derence calling upon Constance Westervet to measure in direlent portions of the court spaces of twelve feet six incles, fourteen feet six incles, and there feet, which was done with an organizy two-foot rule, when the defence announced that they rested on their side.

The prosecution then called the following witness:—

JAMES KAIN'S EVIDENCE.

James Kain testified that he lived about 1:0 feet from the house where the shooting occurred; went there with the prisoner; Mr. Dickey asked me to question his wife how the thing nappened; she took me by the hand, and snaking her hand, said, "Dickey was a bad man; that soe wished to be killed. me by the hand, and shaking her hand, shot, pickey was a bad man; that she wished to be killed outright, as she was shre of heaven, and that she was in great suffering; 'Dickey said he would give himself up, and not run away, but notify hoss McNeil; that there would be bail required, and the next thing he would have to do would be to get a divorce; left him there the first time that I went out; she was then lying out in the room.

In the cross-examination of this witness he testified that when he went in with Dickey the latter tood him to "ask her how the thing happenea." Mirs Dickey did not reply to this.

The prosecution also restea here and the case was closed on both sides at twenty minntes to three o'clock.

District Attorney Ackerson then arose and said that inasmuch as the case had occupied so much

District Attorney Ackerson then arose and said that liassmuch as the case had occupied so much time the prosecution would wave the right to open in the matter of summing up; but the defence held that they expected the prosecution to proceed as usual, which was done.

Up to five o'clock District Attorney Ackerson had addressed the pury on the part of the State, and A. D. Campbell and P. A. Youngblood for the prisoner. The theory of the defence, so far as then developed, seems to tend towards the insunations of an adultorous nature on the part of the mardered woman with Colm Colquium, and that the prisoner took her life because of it. The greatest latitude is given the counsel on either side by the Court, as it is a case that required thorough sifting, which it has received.

Wealth of Ohio.—The valuation of real estate in Ohio for the present year amounts to \$697,412,203, which is an increase of \$13,963,716 since last year. Chattel property reaches an aggregate of \$459,702,252. The total property in the State, \$1,157,180,455. The increase on real and personal property over 1863 as about one and one-fifth per cent, and on real estate two per cent.